HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Revision No. 982/2001
(Old No. 936 of 1992)

Smt. Manjoo Devi ……Revisionist

Vs.

State of U.P. and Smt. Ranjan Saxena …….Respondents

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri Amit Bhatt learned A.G.A. for the State and perused the record.

This criminal revision under section 397/401 of the Code of Criminal Procedure (for short 'Code') was preferred against the judgment and order dated 6.12.1991 passed by the CJM, Haridwar in criminal case no. 1067/1990, whereby the respondent-accused was acquitted of the charges under Sections 279, 338, 427, 304A IPC.

Perusal of the impugned judgment reveal that the occurrence of motor accident took place in which the injured-Arun Kumar succumbed to his injuries later on. According to the prosecution, the offending vehicle no. UHR 9035 was then driven by the respondent-accused. She was not known to the complainant and other witnesses and her identification was not held. The learned Magistrate was of the view that the identity of the driver of the offending vehicle was not fixed and therefore the benefit of doubt in the case was given and the respondent-accused was acquitted of the charges leveled against her. Considering the peculiar aspects of the case, there appear to be no perversity in the appreciation of evidence and facts of the case and therefore the petition is devoid of merit and is liable to be dismissed.

The petition is hereby dismissed. Consign.

(Irshad Hussain, J.)

Date 26.4.2004
Rawat.